

January 28th, 1959.

COCOM Document 2869.78B

CONFIDENTIAL

COORDINATING COMMITTEE

RECORD OF DISCUSSION

ON

*5. General*

THE REVISION OF THE STRATEGIC EXPORT CONTROLS

ATOMIC ENERGY LIST

19th January, 1959

Present: Canada, Denmark, France, Germany, Italy, Japan, Netherlands,  
United Kingdom, United States.

References: COCOM Document No. 2869.70 and 71.

1. The CHAIRMAN reminded the Committee that it had been agreed (COCOM Document No. 2869.71, paragraph 11) to resume discussion as to the setting of a date for the possible study of the criteria to be applied during the second stage of the Atomic Energy List review. He invited delegates to give the further views of their Governments in this connexion.
2. The UNITED STATES Delegate stated that, given the nature of the factors concerned in this question, it should not be expected that his authorities had changed the position taken up during the long discussions which took place in December last. The United States authorities, nevertheless, had carefully examined the problem further and, although they were not opposed to the Committee's studying the possibility of establishing criteria when it was ready to take up the second phase of the Atomic Energy List review, they remained unconvinced that such criteria were needed. Criteria were more useful for revision of the many items on List I than they would be for the relatively limited number of Atomic Energy items, of which a substantial number should not raise any problems. During the second phase, the Committee would have to decide which items on the Atomic Energy List might be freely exported to the Sino-Soviet Bloc. It would be extremely difficult to make this decision before knowing more exactly the use to which these items would be put by the Bloc. Thus, the question of international guarantees came up again, and it could not be expected that this question would be settled for some time. These were the reasons why, while perfectly understanding the point of view of other Member Governments, the United States authorities were not convinced of the wisdom, at the present time, of establishing criteria applicable to the Atomic Energy List.
3. The FRENCH Delegate stated that he had hoped that the present discussion would deal primarily with the question of the date at which discussion of the criteria would take place, and not with the advisability of establishing such criteria. After listening with great interest to the statement made by his United States colleague, the Delegate pointed out that his Delegation were unable to concur in the arguments adduced by the latter. The French Government believed that, irrespective of the number of items concerned, criteria established beforehand could form the basis and framework for discussions which might otherwise become involved. The United States Delegate had himself stated that the review should make it possible to decide which items could be freed without strategic risk, and criteria which set up unanimously-agreed limits would greatly facilitate this task.

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4. The GERMAN Delegate stated that his Government's views had not changed. He himself believed that this question was not one of prime importance, and stressed that during the first stage of the Atomic Energy List review the Committee had, to some extent, been guided by unwritten criteria based on the degree to which the materials and equipment under consideration contributed directly to the military applications of nuclear energy. The Delegate explained that those delegations who advocated a discussion of criteria were perfectly free to submit proposals, and that it would then be for the Committee to fix a date for study of the texts received.
5. The UNITED KINGDOM Delegate, while understanding that the French Delegation would have liked the discussion to be more positive, agreed that the task of the Committee would be not only to determine which items should be kept under embargo, but also which materials and equipment could be removed from embargo to the profit of all concerned. The Delegate stressed that the Committee had already reached a tacit agreement to maintain under embargo nuclear weapons, fissile material and material and equipment used in the production of fissile material. The only sphere on which there was any dispute was the small group of items which had uses both in the nuclear energy field and in other sectors of industry. The United Kingdom Delegation for their part believed it highly preferable to discuss individual cases rather than general principles. The Delegate stressed again in conclusion that it might well prove fruitless to discuss criteria before it was known what measures had been set up by the International Atomic Energy Agency in Vienna.
6. The ITALIAN Delegate first noted that his United Kingdom and United States colleagues were not in principle opposed to the setting up of criteria for the second stage of the Atomic Energy List review. The Delegate endorsed the German Delegate's statement to the effect that certain general principles had already become apparent during the first stage. He himself believed, however, that it would be necessary to study the question more thoroughly. While he had no new instructions, the Delegate recalled that his Delegation supported the French Government's position and pointed out that, in the view of his authorities, any delegation wishing to do so was free to submit concrete proposals to the Committee. He suggested that it might be advisable to hold a meeting on this subject during the coming month of May.
7. The NETHERLANDS Delegate stated that he had no firm instructions on this question, and explained that his position was very similar to that of the Italian Delegation.
8. The CANADIAN Delegate stated that his Government had taken up no firm position on this matter and that, while feeling some doubt as to the utility of criteria in this particular instance, the Canadian Government would concur in the majority view.
9. The FRENCH Delegate also noted that no delegation had been opposed in principle to the submission of proposals on criteria and to a discussion of these proposals, and suggested that a time-limit might be set towards the middle of May for such papers.
10. The GERMAN Delegate stated that the risk that a purely academic discussion might delay unduly the start of the second stage of the review should not be overlooked. The Delegate moreover pointed out that during the second stage of the review, especially if no objective criteria had been set up, delegations should be prepared to give adequately detailed arguments to substantiate their views.

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11. The UNITED STATES Delegate confirmed that his Government did not reject the principle of a discussion of criteria; neither did they at this time accept the need for criteria. If such a discussion should become necessary at the time of the second phase of review, the United States Delegation would be perfectly prepared to take part in those discussions. The Delegate added that his Government would study any proposals that might be submitted in this connexion and, in the light of any such proposals, might wish to submit one of their own. He urged, however, that proposals should not be submitted prematurely.

12. After a fresh exchange of views, during which the Committee undertook to reach agreement as to a date for the submission of proposals, the CHAIRMAN noted that agreement did not seem possible at the present stage. He stated in conclusion that delegations were free to submit their proposals as and when they so desired, and that the Committee would then set a date for discussion of such proposals.

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